

- KEY:**
- RED:** Reflects general housekeeping changes and incorporation of language from other chapters of the City Code.
 - BLUE:** Reflects updates to reflect State law or National Park Service Standards.
 - GREEN:** Reflects updated definitions.
 - PURPLE:** Reflects the establishment and/or refinement of processes (i.e. designation of landmarks, sites, structures, objects and districts; economic hardship; demolition by neglect).

City of Annapolis Historic Preservation Commission

Chapter 14.12 Trees

14.12.100 - Master street tree plan.

- A. The department shall formulate a master street tree plan with the advice of the Environmental Commission. The master street tree plan shall specify the species of trees to be planted on each of the streets or other public sites of the City. After approval by the Historic ~~District~~ **PRESERVATION** Commission of the portions of the plan affecting the Historic ~~d~~District, and following the adoption of the plan by the City Council, all planting shall conform to the plan.
- B. In preparing the master street tree plan, the department shall evaluate all space and site factors which will aid in the determination of the tree species best suited to a particular planting site before recommending a specific species.
- C. The department shall recommend revisions of the master street tree plan when advisable.

Chapter 17.04 Definitions

17.04.890 - Substantial improvement.

"Substantial improvement" means:

Any reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty percent of the market value of the building or structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not; however, include either:

- (1) Any project for improvement of a building or structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified

by the local code enforcement official prior to submission of an application for a permit and which are the minimum necessary to assure safe living conditions; or

- (2) Any alteration, **AS THAT TERM IS DEFINED IN CHAPTER 21.56**, of a Historic structure, provided that the alteration will not preclude the structure's continued designation as a Historic structure.

Chapter 17.12 Building Code

17.12.022 - Building permit—Required.

A. Any owner of real property who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or other structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, or to cause any such work to be performed, shall first make application to the Director for any permit required by the City Code to engage in such work and pay any applicable permit fees. An authorized agent of the owner may make application on behalf of the owner.

B. All exterior projects in the Historic District, whether or not exempted from a building permit under subsection A of this section, still require a certificate of approval in accordance with Chapter ~~21.62~~ **21.56**.

C. No building or other structure shall be demolished or moved until a permit has been obtained from the Director. If, in the judgment of the Director, the proposed new location of the building or other structure would significantly increase the fire hazard to surrounding buildings or other structures, a permit for moving the building or other structure shall not be issued.

Chapter 17.48 Nonresidential Property Maintenance

17.48.060 - Exterior maintenance.

The exterior of the premises and all structures on the premises shall be kept free of all nuisances and hazards to the safety of occupants, pedestrians and other persons utilizing the premises, and free of ~~unsanitary~~ **unsanitary** conditions, and any of the foregoing shall be removed promptly. The owner shall keep the premises free of hazards which include but are not limited to the following:

* * * *

- G. Historic district exemption: The Historic District Commission, for good cause shown, ~~in consultation with the fire prevention bureau~~, may exempt structures in the Historic district area from provisions of Sections 17.48.320, ~~17.48.330 and 17.48.350~~.

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17.48.330 - Unsafe structures—Demolition.

If the Director of Neighborhood and Environmental Programs finds that the property owner has failed to correct the defects noted in the placarding of the nonresidential structure within ninety days, the director shall order the demolition of the nonresidential structure or abatement of the nuisance and the cost of the demolition or abatement shall be a lien on the property and collectible in the same manner as delinquent taxes. The Historic ~~District~~**PRESERVATION** Commission shall review and approve **OR DENY** the demolition as required in Title 21 of this code. Unoccupied structures which are found to be a serious hazard to the public, in the same manner as provided in Subsections A and B of Section 17.40.320, shall be ordered demolished or abated by the Director and appeals shall be heard as provided in Section 17.48.300. The cost of demolition or abatement shall be a lien on the property and collectible in the same manner as delinquent taxes.

Chapter 20.30 Moderately Priced Dwelling Units

20.30.160 - Density bonus.

- A. An applicant who complies with this chapter shall be entitled to a density bonus for for-sale housing of fifteen percent above the maximum amount permitted in a zone, provided that the development complies with all other provisions of Title 21.
- B. An applicant who complies with this chapter shall be entitled to a density bonus for rental housing of ten percent above the maximum amount permitted in a zone, provided that the development complies with all other provisions of Title 21.
- C. In order to effectuate the purpose of this chapter stated in Section 20.30.010(E) and in order to ensure that the density bonuses established by Subsections A and B of this section may be realized, the Director of the Department of Planning and Zoning shall allow a tolerance up to twenty percent of the requirements in Title 21 that are applicable to a development entitled to a density bonus which requirements may include, but are not limited to, lot size, yards, height, building bulk, parking and loading.
- D. ~~The above Subsection C~~ **THIS SECTION** shall not apply in the Historic District.

Chapter 21.08 Decision Making Bodies and Officials

21.08.060 - Historic Preservation Commission.

- A. Establishment. The Historic Preservation Commission is established to execute all of the powers conferred ~~to~~**ON** it by this Zoning Code and ~~pursuant to~~ the Land Use Article of the Annotated Code of Maryland, as may be amended from time to time.
- B. Membership **QUALIFICATIONS; REMOVAL**. The Historic Preservation Commission shall consist of seven members appointed by the Mayor and confirmed by the City Council.

The members of the Commission shall be residents of the City. Each member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as History, architecture, architectural History, planning, archaeology, anthropology, curation, conservation, landscape architecture, Historic preservation, urban design, or related disciplines. In addition, **THE CITY COUNCIL ALSO MAY DESIGNATE ONE ALTERNATE MEMBER FOR THE COMMISSION WHO MAY SIT WITH THE COMMISSION WHEN THERE IS NOT A QUORUM OF THE COMMISSION AND AT SUCH OTHER TIMES AS THE CHAIR MAY DEEM APPROPRIATE WHEN ONE OR MORE MEMBERS OF THE COMMISSION IS ABSENT.** ‡The Commission membership shall comply with the following:

1. At least two members of the Commission shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36. C.F.R. Part 61.
 2. The criteria for Commission membership under the category of demonstrated special interest may be satisfied either by formal training in one or more of the fields listed in Subsection (B) of this section or active membership in a preservation-related organization. The requirement for membership under the category of specific knowledge may be satisfied by formal post-secondary education, employment or practical experience in one or more of the above-listed fields. The requirement for Commission membership under the category of professional or academic training may be satisfied by, at a minimum, two years' experience as a professional or a bachelor's degree in one or more of the above-listed fields.
 3. **REMOVAL. A MEMBER OF THE COMMISSION MAY BE REMOVED BY THE CITY COUNCIL FOR: INCOMPETENCE; MISCONDUCT; FOR FAILURE TO ATTEND MEETINGS AS SET FORTH IN CHAPTER 21.56 OF THE ZONING CODE; OR UPON CONVICTION OF A CRIME IN ACCORDANCE WITH § 8-502 OF THE STATE GOVERNMENT ARTICLE. THE CITY COUNCIL SHALL PROVIDE TO THE MEMBER A WRITTEN STATEMENT INDICATING THE GROUNDS FOR REMOVAL AND STATING THAT THE PERSON HAS AN OPPORTUNITY FOR A PUBLIC HEARING BEFORE THE CITY COUNCIL TO CONTEST THE GROUNDS FOR REMOVAL.**
 4. The Commission shall elect, from its membership, a chairperson and vice chairperson. The terms of the chairperson and vice chairperson shall be for one year, with eligibility for re-election.
 5. Commission members shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties, provided said expenses are permitted by the budget and approved in advance by the Director of Finance.
- C. Term; **VACANCIES.** The Commission members shall be appointed for terms of three years, except that the terms shall be staggered so that not more than three appointments shall expire in a given year. Commission members are eligible for reappointment. Any vacancy in the membership of the Commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason, shall be filled for a

new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment and confirmation of the initial members of the Commission. Any vacancy of the Commission shall be filled within sixty days. In the case of expiration of terms, members may continue to serve until their successors are appointed and confirmed. Any **MEMBER OF THE COMMISSION WHO, DURING ANY PERIOD OF TWELVE (12) CONSECUTIVE MONTHS, FAILS TO ATTEND THREE MEETINGS OF THE COMMISSION WITHOUT GOOD CAUSE, AS DETERMINED BY THE CHAIR IN HIS/HER DISCRETION, IS CONSIDERED TO HAVE RESIGNED, WHICH SHALL CREATE A VACANCY ON THE COMMISSION. THE CHAIR SHALL FORWARD ANY SUCH MEMBER'S NAME TO THE MAYOR AS SOON AS POSSIBLE FOLLOWING THE LAST UNATTENDED MEETING** ~~absence of three consecutive meetings or four meetings within one calendar year shall constitute a vacancy.~~

- D. Rules. The Historic Preservation Commission may adopt rules to assist the Commission in carrying out its duties under this Zoning Code. Any rules of procedure adopted by the Commission shall be consistent with the following procedures:
1. Any interested person, or person's representative, is entitled to appear and be heard at any public hearing conducted by the Commission.
 2. The Commission shall keep a record of its proceedings and actions **SHOWING THE VOTE OF EACH MEMBER OR IF A MEMBER IS ABSENT OR FAILS TO VOTE INDICATING THAT FACT.** ~~which~~ **RECORDS OF THE COMMISSION'S PROCEEDINGS** shall be **MAINTAINED** on file for public view.
 3. Notice of Commission meetings shall appear in a newspaper with general circulation in the City seven days prior to the meetings.
 4. Four members shall constitute a quorum and the vote of the majority present is necessary for a decision.
 5. The chair, or the acting chair in the absence of the chair, may administer oaths and compel the attendance and testimony of witnesses and the production of documents on matters relating to the business of the Commission.
- E. Duties. The Historic Preservation Commission shall have the following powers and duties:
1. The Historic Preservation Commission shall hold no fewer than one regular meeting monthly to discharge its duties; **PROVIDED THAT THERE IS BUSINESS TO WHICH THE COMMISSION MUST ATTEND.**
 2. Consistent with the City's policies and procedures, employees may be assigned to the Commission, and such services and facilities made available as are deemed necessary or appropriate for the proper performance of its duties.
 3. The Historic Preservation Commission shall annually file a report with the City Council summarizing the Commission's discharge of its responsibilities.
 4. The Historic Preservation Commission shall decide applications for Certificates of Approval pursuant to the provisions of Chapter 21.56

5. The Historic Preservation Commission may accept and use gifts in the exercise of its functions, subject to any applicable City policies or procedures regarding acceptance or use of gifts by public officials.
 6. The Historic Preservation Commission may direct studies, reports, and surveys to identify Historically, culturally, archaeologically, or architecturally significant landmarks, sites, structures, and districts that exemplify the cultural, social, economic, political, or architectural History of the City, State or Nation.
 7. The Historic Preservation Commission may adopt and utilize in its review of applications rehabilitation and new construction design guidelines and criteria for designated landmarks, sites, structures, and districts which are consistent with the U.S. Secretary of the Interior's standards for rehabilitation. Guidelines may include design characteristics intended to meet the needs of particular types of landmarks, sites, structures, **OBJECTS** and districts, and may identify categories of changes that, because they are minimal in nature, do not affect Historic, cultural, archaeological, or architectural significance, and do not require review by the Commission.
 8. To adopt sidewalk café furniture guidelines for use by operating establishments located in the Historic district, which hold permits issued pursuant to Chapter 7.42 of the Annapolis City Code. In adopting any such guidelines, the Historic Preservation Commission shall consider the requirements of Section 7.42.020(F) of the Annapolis City Code.
 9. Consistent with the City's Charter, ordinances, resolutions, local public law, **STATE LAW**, policies, and procedures covering the acquisition of easements, to accept Historic preservation easements, when deemed appropriate by the Commission, ~~on designated landmarks, structures, or sites and on sites or structures located in, or adjacent to, a designated district, landmark, site, or structure.~~ **IN CONJUNCTION WITH INDIVIDUAL SITES OR STRUCTURES, OR WITH SITES OR STRUCTURES LOCATED IN OR ADJACENT TO A LOCALLY DESIGNATED HISTORIC DISTRICT.**
 10. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this Zoning Code.
- 11. ALL ACTIONS OF THE COMMISSION SHALL BE RECORDED BY THE CITY IN ITS INTERNAL TRACKING SYSTEM KNOWN AS TRACK IT.**

21.10.020 - Notice requirements.

- A. Posting of Property. If the Zoning Code Division II provisions applicable to a specific type of application provide for posting of property, unless specific notice procedures are otherwise provided for in another Zoning Code chapter or section, posting must be done **AS** follows:
 1. Notice must be posted on the property that is the subject of an application at least fifteen days prior to a decision on the application and in a manner prescribed by the Planning and Zoning Director.

2. In the case of an application for demolition of buildings and structures pursuant to Section 21.40.060(C)(3), in the R2-NC district, notice must be posted on the property that is the subject of an application at least thirty days prior to a decision on the application and in a manner prescribed by the Planning and Zoning Director.
 3. It is the responsibility of an applicant to post any notice required under Subsections (A)(1) or (A)(2) on the property that is the subject of an application, unless the applicant is not the property owner, in which case it is the responsibility of the property owner.
 4. In the case of appeals to any Board of Appeals, failure of the property owner responsible pursuant to Subsection (A)(3), to post any notice required under Subsections (A)(1) or (A)(2) shall result in a stay of all proceedings, including those in furtherance of the action or decision appealed. The failure of a property owner, who is not the applicant, to post any notice required under (A)(1) or (A)(2) shall not be a basis for the dismissal of any appeal to any Board of Appeals. In such circumstances, any issued permits, including but not limited to building, use and occupancy, and other permits, shall be suspended and/or revoked until such time as the property owner posts the notice. Should injunctive proceedings become necessary to require the posting, all costs shall be borne by the property owner and assessed as a lien against the property.
 5. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the decision.
- B. Notice to Abutting Property Owners. If the Zoning Code Division II provisions applicable to a specific type of application provide for notice to abutting property owners, unless specific notice procedures are otherwise provided for in another Zoning Code chapter, notice must be given as follows:
1. The applicant must send written notification to all parties with a financial or vested interest in the property that is the subject of the application and to property owners within two hundred feet of the property boundary. Notice of public hearings must be mailed not less than fifteen days prior to the date of hearing.
 2. Prior to any public meeting or public hearing on an application, the applicant must provide the Planning and Zoning Director with verification of mailing of written notification. An applicant must provide evidence that notices of the public hearing were mailed not less than fifteen days prior to the date of hearing.
- C. Notice of Formal Public Hearing. If notice of a formal public hearing is required, unless specific notice procedures are otherwise provided for in another Division II chapter of the Zoning Code, notice must be given as follows:
1. Notice of the application and any required public hearings at which the application will be considered shall be published in a newspaper of general circulation in the City at least fifteen days before the hearing.
 2. Notice must be posted on the property that is the subject of an application by the applicant or the property owner, if not the same, at least fifteen days prior to any public hearing on the application and in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the close of the public hearing. Failure to post shall be governed by Subsection (A)(4) above.

- D. **Notice of Public Meeting.** If notice of a public meeting at which an application may be considered is required, unless specific notice procedures are otherwise provided for in another Division II chapter of the Zoning Code, notice must be given as follows:
1. Notice of the application and any public meeting at which the application will be considered shall be published in a newspaper of general circulation in the City no fewer than fifteen days before the meeting.
 2. Notice must be posted on the property that is the subject of an application at fifteen seven days prior to any public meeting on the application and in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the public meeting.
- E. **Notice of Decision.** Notice of any decision on the application by the Planning and Zoning Director or the decision making body must be given to the applicant, the Mayor and City Council, and any other persons who made written comments or testified at a hearing concerning the application, provided they included their legal name and valid mailing address or valid email address. Such notice of decision shall be by mail or email and provided by the Planning and Zoning Director not more than five days following the date of final decision.
- F. **Summary of Public Meeting and Hearing Requirements.** The table below summarizes the types of applications requiring a public meeting or public hearing and the City official or decision making body responsible for conducting the meeting or hearing. If more than one application or approval is required for a proposed development or activity, public hearings on each application may be simultaneously held by a decision making body on related applications. **[Table not included.]**

Chapter 21.14 Demolition Permits

21.14.010 - Purpose and authority.

- A. **Buildings and Structures Located Outside the Historic Overlay District.** Pursuant to the requirements of this chapter, the Planning and Zoning Director shall review and decide applications for demolition of all buildings and structures within the following zoning districts:
1. R2-NC Single-Family Residence Neighborhood Conservation District;
 2. R3-NC Single-Family Residence Neighborhood Conservation District;
 3. R3-NC2 Single-Family Residence Neighborhood Conservation District 2;
 4. R3-R General Residence Neighborhood Revitalization District;
 5. R4-R General Residence Neighborhood Revitalization District;
 6. MX Mixed Use District;
 7. Office and Commercial Design Overlay District.

- B. Buildings and Structures Located in the Historic Overlay District. Any application for demolition of a building or structure located in the Historic overlay district is subject to review by the Historic Preservation Commission ~~pursuant to~~ **IN ACCORDANCE WITH** the provisions of Chapter 21.56, **NOT THE PLANNING AND ZONING DIRECTOR.**

21.14.040 - Review criteria.

In deciding demolition applications **PURSUANT TO CITY CODE, §21.14.010.A**, the Planning and Zoning Director shall make written findings based on the following:

- A. Significance of Structure. The extent of the Historic, cultural, archaeological, or architectural significance of the structure proposed for demolition and the value of the structure for its Historic, cultural, archaeological, or architectural significance.
- B. Effect on Significant Historic Resources. The extent to which the demolition of the structure will have an adverse effect on resources within a National Register District, if applicable, or other surrounding Historic, cultural, archaeological, or architectural resources of significance.
- C. Significance to the Purposes of the Zoning District. The extent to which the loss of the structure would be adverse to the purposes of the zoning district in which the structure is located and would adversely affect the character of the neighborhood and the zoning district.
- D. Relationship to Other Structures. The relationship of the exterior architectural features of the structure proposed for demolition to other structures located in the National Register District, if applicable, or other structures listed on the Maryland Inventory of Historic Places and the extent to which demolition of the structure would impair the relationship with other significant Historic, cultural, archaeological, or architectural resources.
- E. Compatibility of Proposed Structure. The general compatibility of any proposed structure, in terms of exterior design, scale, proportion, arrangement, texture, and materials, to the National Register District, if applicable, or to other Historic resources in the surrounding area.
- F. Public Benefits. The extent to which the structure is a deterrent to a major improvement program which will be of substantial benefit to the City.
- G. Financial Hardship. The extent to which the retention of the structure would cause financial hardship to the owner.

Chapter 21.56 Historic District

Article I - Approval of Exterior Changes

21.56.010 - Authority and purpose.

- A. The ~~Mayor and~~ City Council of the City of Annapolis, Maryland, derives authority for this Chapter ~~by virtue of its conformance with provisions of~~ **FROM** the State of Maryland Enabling Act for Historic Area Zoning, the Land Use Article, **TITLE 8 "HISTORIC PRESERVATION"**, Annotated Code of Maryland, as amended.
- B. The preservation of sites, structures, **OBJECTS, BUILDINGS** and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose **IN THIS STATE AND IN THE CITY. ACCORDINGLY, IT IS THE PURPOSE OF THIS CHAPTER TO ESTABLISH REGULATIONS AND PROCEDURES NECESSARY TO PRESERVE SUCH SITES, STRUCTURES AND DISTRICTS IN ORDER TO PRESERVE THE HISTORIC CHARACTER OF THE CITY OF ANNAPOLIS.**
- C. It is the further purpose of this Article to ~~preserve and enhance the quality of life and to safeguard the historical and cultural heritage of~~ **THE CITY OF** Annapolis by preserving sites, structures, **OBJECTS, BUILDINGS** ~~or~~ **AND** districts ~~which~~ **THAT** reflect ~~the~~ elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values **OF THOSE SITES, STRUCTURES, OBJECTS, BUILDINGS AND DISTRICTS** ~~in and around such historic areas;~~ to foster civic beauty;; and to ~~preserve and promote the preservation and appreciation of~~ **Historic THOSE** sites, structures, **BUILDINGS, OBJECTS** and districts for the education and welfare of the ~~citizens~~ **RESIDENTS** of the City.

21.56.020 - Definitions.

For ~~the~~ purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"Alteration" shall mean any ~~exterior changes that would affect the historic, cultural or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public way including, but not limited to, construction, reconstruction, moving or demolition.~~ **CHANGE TO THE EXTERIOR OF A BUILDING, STRUCTURE, OBJECT OR SITE. ALTERATION SHALL INCLUDE, BUT IS NOT LIMITED TO, CHANGING TO A DIFFERENT KIND, TYPE OR SIZE OF ROOFING OR SIDING MATERIALS; CHANGING, ELIMINATING, OR ADDING EXTERIOR DOORS, DOOR FRAMES, WINDOWS, WINDOW FRAMES, SHUTTERS, RAILINGS, COLUMNS, BEAMS, WALLS, PORCHES, STEPS, PORTE-COCHERES, BALCONIES, OR ORNAMENTATION; OR THE DISMANTLING, MOVING OR REMOVING OF ANY EXTERIOR FEATURE. ALTERATION INCLUDES EXPANDING AN EXISTING**

STRUCTURE OR THE CONSTRUCTION OF AN ADDITION TO AN EXISTING STRUCTURE.

"Appurtenances and environmental settings" shall mean all that space of grounds and structures thereon which surrounds a designated site or structure and to which it related-S physically and/or visually. **THE ENVIRONMENTAL SETTING IS THE LARGER AREA OR ENVIRONMENT IN WHICH AN HISTORIC PROPERTY IS LOCATED. IT MAY BE AN URBAN, SUBURBAN, OR RURAL NEIGHBORHOOD OR A NATURAL LANDSCAPE IN WHICH BUILDINGS HAVE BEEN CONSTRUCTED. THE RELATIONSHIP OF BUILDINGS TO EACH OTHER, SETBACKS, FENCE PATTERNS, VIEWS, DRIVEWAYS AND WALKWAYS, AND STREET TREES TOGETHER CREATE THE CHARACTER OF A DISTRICT OR NEIGHBORHOOD.** Appurtenances and environmental settings shall include, but not be limited to, walkways and driveways (whether paved or not), trees, landscapeING elements, waterways, ~~open space,~~ setbacks, parks, ~~public spaces,~~ and rocks.

"BOUNDARIES" AS USED HEREIN TO REFER TO THE ANNAPOLIS HISTORIC DISTRICT SHALL MEAN THE LIMIT OR EXTENT OF THE HISTORIC DISTRICT AND SHALL BE AS SET FORTH IN CITY CODE, SECTION 21.56.030. PROPERTY IDENTIFIED IN CITY CODE, SECTION 21.56.030 SHALL INCLUDE ALL APPURTENANT LAND OR OTHER PROPERTY THAT IS PART OF THE PROPERTY IDENTIFIED AND IS INCLUDED IN AND PROTECTED BY THE HISTORIC DISTRICT DESIGNATION.

"Certificate of approval" shall mean a certificate issued by the Historic Preservation Commission indicating its approval of plans for **NEW** construction, **OR THE** alteration, reconstruction, rehabilitation, restoration, **REPAIR**, moving, or demolition of an individually designated landmark, site, or structure or of a site or structure within a designated historic district.

"Cultural" shall mean that which relates to the artistic, historic, intellectual, educational, archaeological, or architectural aspects of the City of Annapolis. **CULTURAL RESOURCES CAN BE DEFINED AS PHYSICAL EVIDENCE OR PLACE OF PAST HUMAN ACTIVITY: SITE, OBJECT, LANDSCAPE, STRUCTURE; OR A SITE, STRUCTURE, LANDSCAPE, OBJECT OR NATURAL FEATURE OF SIGNIFICANCE TO A GROUP OF PEOPLE TRADITIONALLY ASSOCIATED WITH IT.**

"Demolition" **shall** mean any act which destroys, REMOVES OR RAZES, in whole or in part, an individually designated landmark, site, or structure, or a site or structure within a designated Historic district, ~~not~~ including appurtenances and environmental settings.

"Demolition by neglect" shall mean any ~~willful~~ neglect in the maintenance or repair of an ~~individually~~ A designated landmark, site, or structure, or a site or structure within a designated historic district, not including any appurtenances and environmental settings, **WHICH RESULTS IN DETERIORATION OF FOUNDATIONS, EXTERIOR WALLS OR OTHER VERTICAL SUPPORTS, ROOFS OR OTHER HORIZONTAL MEMBERS, CHIMNEYS, DOORS, WINDOWS, ARCHITECTURAL FEATURES, INTERIOR FEATURES, ADEQUATE WATERPROOFING OF WALLS, ROOFS, AND FOUNDATIONS, INCLUDING BROKEN WINDOWS AND DOORS, OR ANY OTHER PHYSICAL ELEMENT REGULATED UNDER CHAPTER 21.56 AND WHICH**

CREATES OR PERMITS TO EXIST A HAZARDOUS OR UNSAFE CONDITION, OR WHICH WILL OR COULD RESULT IN SUBSTANTIAL OR PERMANENT DAMAGE, INJURY, OR LOSS OF OR LOSS TO FOUNDATIONS, EXTERIOR WALLS, ROOFS, CHIMNEYS, DOORS, WINDOWS, INTERIOR FEATURES, ADEQUATE WATERPROOFING, OR ANY OTHER PHYSICAL ELEMENT REGULATED UNDER CHAPTER 21.56. ~~that does not result from an owner's financial inability to maintain and repair such landmark, site, or structure, and which results in any of the following conditions:-~~

- ~~1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or~~
- ~~2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features, which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors or windows.~~

A DETERMINATION OF DEMOLITION BY NEGLIGENCE SHALL NOT DEPEND ON OR OTHERWISE TAKE INTO CONSIDERATION AN OWNER'S FINANCIAL ABILITY OR INABILITY TO MAINTAIN OR REPAIR SUCH LANDMARK, SITE, OR STRUCTURE.

"Historic district" shall mean a significant concentration, linkage, or continuity of sites ~~or~~, structures, **BUILDINGS OR OBJECTS** united historically, architecturally, archaeologically, ~~or~~ culturally, **OR AESTHETICALLY** by plan or physical development. An Historic district shall include all property within its boundaries as defined and designated by the City Council.

"Exterior features" shall mean the architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of all **ROOFS, ENTRANCES, PORCHES, STOREFRONTS**, windows, doors, light fixtures, signs or similar items found on or related to the exterior of an historic structure.

"Landmark" shall mean any site, **BUILDING, OBJECT** or structure, designated by the City Council, that is of exceptional historic, ~~cultural~~, archaeological, or architectural significance.

~~"Maintenance"~~ **OR "ROUTINE MAINTENANCE"** shall mean work that does not alter the exterior fabric or features of a ~~landmark~~, site, **BUILDING, OBJECT** or structure and has no material effect on the historical, archaeological, or architectural or cultural significance of the ~~historical landmark~~, site, **BUILDING, OBJECT** or structure **AS DETERMINED BY THE CHIEF OF HISTORIC PRESERVATION OR THE HISTORIC PRESERVATION COMMISSION.**

"New construction" shall mean construction ~~which~~ **THAT** is characterized by the introduction of new elements, sites, buildings, **OBJECTS** or structures or additions to existing buildings and structures in historic districts.

"Preservation" shall mean **THE ACT OR PROCESS OF APPLYING MEASURES NECESSARY TO SUSTAIN THE EXISTING FORM, INTEGRITY, AND MATERIALS OF AN HISTORIC PROPERTY. WORK, INCLUDING PRELIMINARY MEASURES TO PROTECT AND STABILIZE THE PROPERTY, GENERALLY FOCUSES UPON THE ONGOING MAINTENANCE AND REPAIR OF HISTORIC MATERIALS AND FEATURES RATHER THAN EXTENSIVE REPLACEMENT AND NEW CONSTRUCTION. NEW EXTERIOR ADDITIONS ARE NOT WITHIN THE SCOPE**

OF THIS TREATMENT; HOWEVER, THE LIMITED AND SENSITIVE UPGRADING OF MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS AND OTHER CODE-REQUIRED WORK TO MAKE PROPERTIES FUNCTIONAL IS APPROPRIATE WITHIN A PRESERVATION PROJECT.

"Reconstruction" shall mean the **ACT OR** process of ~~reproducing~~, **DEPICTING**, by **MEANS OF** new construction, the exact form, **FEATURES** and detail**ING** of a **NON-SURVING SITE, LANDSCAPE, BUILDING, STRUCTURE OR OBJECT** ~~vanished structure, or part thereof, as it appeared~~ **FOR THE PURPOSE OF REPLICATING ITS APPEARANCE** at a specific period of time **AND IN ITS HISTORIC LOCATION.**

"Rehabilitation" shall mean ~~the act or process of returning a property or building to usable condition through repair, alteration, and/or preservation of its features which are significant to its historical, architectural, and cultural values.~~ **THE PROCESS OF RETURNING A PROPERTY TO A STATE OF UTILITY, THROUGH REPAIR OR ALTERATION, WHICH MAKES POSSIBLE AN EFFICIENT CONTEMPORARY USE WHILE PRESERVING THOSE PORTIONS AND FEATURES OF THE PROPERTY WHICH ARE SIGNIFICANT TO ITS HISTORIC, ARCHITECTURAL, AND CULTURAL VALUES.**

"Repair" shall mean **THAT WORK WHICH IS REQUIRED WHEN THE PHYSICAL CONDITION OF THE CHARACTER-DEFINING MATERIALS AND FEATURES OF A STRUCTURE** ~~the process of rehabilitation which~~ warrants additional work beyond simple-**ROUTINE** maintenance. **REPAIR SHALL BEGIN WITH THE LEAST DEGREE OF INTERVENTION POSSIBLE AND,** includes patching, piecing in, splicing, consolidating or otherwise, **reinforcing OR UPGRADING** materials according to recognized preservation methods. **REPAIR MAY ALSO INCLUDES THE LIMITED REPLACEMENT IN KIND—OR WITH COMPATIBLE SUBSTITUTE MATERIAL OF EXTENSIVELY DETERIORATED OR MISSING PARTS OF FEATURES WHEN THERE ARE SURVIVING PROTOTYPES (FOR EXAMPLE, BRACKETS, DENTILS, STEPS, PLASTER, OR PORTIONS OF SLATE OR TILE ROOFING).**

"Restoration" shall mean the **ACT OR** process of accurately ~~recovering~~**DEPICTING** the form, **FEATURES** and details **CHARACTER** of a property as it appeared at a specific period of time by means of removal of **FEATURES FROM OTHER PERIODS IN ITS HISTORY AND RECONSTRUCTION OF MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS AND OTHER CODE-REQUIRED WORK TO MAKE PROPERTIES FUNCTIONAL IS APPROPRIATE WITHIN A RESTORATION PROJECT** ~~later work and the replacement of work missing from that period.~~

"Site" shall mean the location of an event of historic significance or the location of a structure, **BUILDING OR OBJECT** ~~whether standing or ruined, which~~ **THAT** possesses historic, ~~architectural,~~ archaeological, or cultural significance **LOCATED WITHIN A LEGALLY DEFINED PARCEL OF LAND. A SITE MAY BE SIGNIFICANT IN ITS OWN RIGHT, OR BECAUSE OF ITS ASSOCIATION WITH THE HISTORIC BUILDING OR BUILDINGS. THE RELATIONSHIP BETWEEN BUILDINGS AND LANDSCAPE FEATURES ON A SITE SHOULD BE AN INTEGRAL PART OF PLANNING FOR EVERY WORK PROJECT.**

"Structure" shall mean ~~a combination of material to form a construction that is stable~~ **THAT WHICH IS BUILT OR CONSTRUCTED. STRUCTURE INCLUDES including, but IS** not limited to, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, bridges, piers, **DOCKS, BOARDWALKS, DAMS,** paving, bulkheads, **SEA WALLS,** wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way. The term "structure" shall be construed as if followed by the words, "or part thereof."

"SUBSTANTIAL IMPROVEMENT" MEANS: ANY RECONSTRUCTION, REHABILITATION, ADDITION, OR OTHER IMPROVEMENT OF A BUILDING OR STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS FIFTY PERCENT OF THE MARKET VALUE OF THE BUILDING OR STRUCTURE BEFORE THE START OF CONSTRUCTION OF THE IMPROVEMENT. THE TERM INCLUDES STRUCTURES WHICH HAVE INCURRED SUBSTANTIAL DAMAGE, REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THE TERM DOES NOT; HOWEVER, INCLUDE EITHER:

(1) ANY PROJECT FOR IMPROVEMENT OF A BUILDING OR STRUCTURE TO CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY, OR SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE LOCAL CODE ENFORCEMENT OFFICIAL PRIOR TO SUBMISSION OF AN APPLICATION FOR A PERMIT AND WHICH ARE THE MINIMUM NECESSARY TO ASSURE SAFE LIVING CONDITIONS; OR

(2) ANY ALTERATION OF A HISTORIC STRUCTURE, PROVIDED THAT THE ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A HISTORIC STRUCTURE.

21.56.030 - Boundaries.

~~A.~~—The boundaries of the Annapolis Historic ~~4~~District are established as follows:

Beginning for the same at the intersection of the centerline of Southgate Avenue with the tidewaters of Spa Creek; thence leaving the beginning point and running with the tidewaters of Spa Creek westerly one hundred fifty feet, more or less, to intersect a line drawn parallel to and distant southwesterly one hundred fifty feet, as measured at right angles from the centerline of Southgate Avenue; thence leaving the tidewaters of Spa Creek and running northwesterly with the line parallel to Southgate Avenue to intersect the centerline of Franklin Street; thence leaving Franklin Street, continuing parallel to Southgate Avenue one hundred feet, more or less, to intersect a line drawn parallel to and distant northwesterly one hundred feet as measured at right angles from the centerline of Franklin Street; thence leaving the line parallel to Southgate Avenue and running with the line parallel to Franklin Street northeasterly to intersect the centerline of Shaw Street from the point of intersection running northwesterly following the centerline of Shaw Street northwesterly to a point one hundred fifty-five feet distant as measured from the intersection of the centerline of Shaw Street and the centerline of Lafayette Avenue; thence leaving the point of intersection and running in a southwesterly direction for eighty feet following the east property line of Lot 45 as shown on a plat of City Gate, section 1, recorded among the land records of Anne Arundel County in plat book 77, page 26; thence leaving the line and

running in a northwesterly direction following the rear property lines of Lots 45a, 44, 43, 42 and 41 as shown on the plat to a point intersecting the centerline of Lafayette Avenue; thence following the centerline of Lafayette Avenue in a northerly direction for a distance of two hundred feet; thence leaving the centerline of Lafayette Avenue and running in an easterly direction following the southerly property line of Parcel 546 as shown on Tax Map 30 of Annapolis, as prepared by the Maryland Department of Assessments and Taxation, to a point intersecting the centerline of Water Street; thence following the centerline of Water Street in a northerly direction to a point intersecting with the centerline of Larkin Street; thence following the centerline of Larkin Street in an easterly direction to a point intersecting the centerline of City Gate Lane; thence following the centerline of City Gate Lane in a northerly direction to a point intersecting the centerline of West Street; thence running with the centerline of West Street easterly one hundred feet to intersect the centerline of Calvert Street; thence running with the centerline of Calvert Street northerly to intersect the centerline of Northwest Street; thence westerly with the centerline of Northwest Street to a point distant one hundred feet from the centerline of the eastbound lane of the Roscoe Rowe Boulevard; thence parallel with the eastbound lane of Roscoe Rowe Boulevard to the shoreline of College Creek; thence leaving the parallel to Roscoe Rowe Boulevard and running with the shoreline in a general northerly and northeasterly direction to intersect the present property line of the United States Naval Academy; thence leaving the shoreline of College Creek and running with the present divisional lines between the United States Naval Academy and the City of Annapolis to the intersection of the northeast side of Prince George Street with the shoreline of Spa Creek; thence leaving the United States Naval Academy property and the present property line and running with the shoreline generally in a westerly direction to the place of beginning. Excepting all that property known as St. Anne's cemetery.

Saving and excepting all that property known as Southgate Harbor shown on a plat filed among the plat records of Anne Arundel County, Maryland, in plat book 41, folios 3 and 4, which is the same property conveyed by E. Nyce Feldmeyer, unmarried, to C. Edward Hartman, II and Patricia M. Hartman, his wife, by deed dated April 26, 1956, and recorded among the land records of Anne Arundel County in liber G.T.C. 1559, folio 161.

21.56.031 DESIGNATION OF LANDMARKS, SITES, STRUCTURES, OBJECTS OR DISTRICTS. [PLEASE NOTE, SECTIONS A-C BELOW ARE CURRENTLY PART OF CITY CODE, SECTION 21.56.030 AND ARE SUBSECTIONS B-D THEREOF.]

- A.** The City Council may, **BY ORDINANCE**, designate **OR MODIFY THE** boundaries for landmarks, sites, structures, **OBJECTS OR AND** DISTRICTS OF HISTORIC, CULTURAL, ARCHAEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE **IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER**.
- B.** Recommendations for designation of landmarks, sites, structures, **OBJECTS** and districts shall be submitted to the City Council for consideration. **THE CITY COUNCIL SHALL FORWARD ANY SUCH RECOMMENDATION TO THE HISTORIC PRESERVATION COMMISSION, UNLESS THE RECOMMENDATION WAS MADE BY THE HISTORIC PRESERVATION COMMISSION.** The Historic Preservation Commission may, **UPON RECEIPT OF A REFERRAL FROM THE CITY COUNCIL OR ON ITS OWN INITIATIVE**, after making a full and proper

study **IN ACCORDANCE WITH ITS GUIDELINES**, recommend any area within the limits of the city for designation as a landmark, site, structure, **OBJECT** or district of historic, cultural, archaeological, or architectural significance. The Commission shall recommend boundaries for the landmarks, sites, structures, **OBJECTS** and districts.

- C. The City Council-or the Commission may petition the Maryland Historical Trust to make an analysis of and **A** recommendation concerning the preservation of landmarks, sites, structures, **OBJECTS** or districts of historic, archaeological, architectural, or cultural significance within the City. Such report may include proposed boundaries of sites, structures, **OBJECTS** or districts, as well as recommendations for the identification and designation of particular sites, structures, **OBJECTS** or districts to be preserved.

21.56.032 DESIGNATION AND MODIFICATION OF DISTRICTS

- A. **PROPOSED DISTRICTS AND THEIR BOUNDARIES SHALL COMPLY WITH THE REQUIREMENTS FOR LOCAL GOVERNMENT CERTIFICATION UNDER THE NATIONAL HISTORIC PRESERVATION ACT, THE SECRETARY OF THE INTERIOR'S STANDARDS FOR IDENTIFICATION AND REGISTRATION; AND THE COMMISSION'S OWN HISTORIC PRESERVATION PROCEDURES AND GUIDELINES.**
- B. **UPON INTRODUCTION OF AN ORDINANCE IN ACCORDANCE WITH CITY RULES AND REGULATIONS TO DESIGNATE AN HISTORIC DISTRICT OR MODIFY THE BOUNDARIES OF AN EXISTING DISTRICT THE CITY, COUNCIL MUST REFER THE ORDINANCE TO THE HISTORIC PRESERVATION COMMISSION FOR ITS WRITTEN REPORT AND RECOMMENDATION. THE CITY COUNCIL SHALL NOT TAKE ACTION ON THE ORDINANCE UNTIL THE HISTORIC PRESERVATION COMMISSION SUBMITS ITS REPORT AND RECOMMENDATION TO THE COUNCIL. THE HISTORIC PRESERVATION COMMISSION SHALL HAVE NINETY (90) DAYS TO RESPOND TO THE REFERRAL OR THE CITY COUNCIL MAY ACT ON THE ORDINANCE.**
- C. **THE CITY COUNCIL MAY ADOPT, DENY, OR MODIFY AN ORDINANCE PROPOSED TO DESIGNATE OR MODIFY AN HISTORIC DISTRICT.**

21.56.033 DESIGNATION OF LANDMARKS

- A. **LANDMARKS ARE THOSE STRUCTURES THAT, IN ACCORDANCE WITH THE COMMISSION'S HISTORIC PRESERVATION PROCEDURES AND GUIDELINES, ARE CONSIDERED TO BE OF SUCH SPECIAL HISTORICAL OR ARCHITECTURAL SIGNIFICANCE THAT, EVEN IF NOT LOCATED WITHIN AN HISTORIC DISTRICT, THOSE STRUCTURES, THEIR EXTERIORS, AND THEIR APPURTENANT LAND AND OTHER PROPERTY SHOULD BE EXTENDED THE SAME PROTECTIONS AS APPLY TO STRUCTURES WITHIN A DISTRICT.**
- B. **THE BOUNDARIES OF A STRUCTURE DESIGNATED A LANDMARK SHALL BE INDICATED BY ORDINANCE, AS FOLLOWS:**

(I) BY STREET ADDRESS, WHICH INDICATES THAT ALL APPURTENANT LAND OR OTHER PROPERTY AT THAT STREET ADDRESS AND ON THE SAME LOT IS INCLUDED IN AND PROTECTED BY THE LANDMARK DESIGNATION;

(II) BY SECTION, BLOCK, AND LOT NUMBERS, WHICH INDICATES THAT ALL LAND OR OTHER PROPERTY ON THAT LOT IS INCLUDED IN THE LANDMARK DESIGNATION; OR

(III) BY A METES AND BOUNDS DESCRIPTION OR OTHER CLEAR DELINEATION THAT INDICATES THAT LESS THAN ALL LAND OR OTHER PROPERTY AT A STREET ADDRESS OR ON A LOT IS INCLUDED IN THE LANDMARK DESIGNATION.

C. UPON INTRODUCTION OF AN ORDINANCE TO DESIGNATE A LANDMARK OR MODIFY THE BOUNDARIES OF AN EXISTING LANDMARK THE CITY COUNCIL MUST REFER THE ORDINANCE TO THE HISTORIC PRESERVATION COMMISSION FOR ITS WRITTEN REPORT AND RECOMMENDATION. THE CITY COUNCIL SHALL NOT TAKE ACTION ON THE ORDINANCE UNTIL THE HISTORIC PRESERVATION COMMISSION SUBMITS ITS REPORT AND RECOMMENDATION TO THE COUNCIL. THE HISTORIC PRESERVATION COMMISSION SHALL HAVE NINETY (90) DAYS TO RESPOND TO THE REFERRAL OR THE CITY COUNCIL MAY ACT ON THE ORDINANCE.

D. THE CITY COUNCIL MAY ADOPT, REJECT, OR MODIFY AN ORDINANCE PROPOSED TO DESIGNATE A LANDMARK.

21.56.035 - Sales of Historic real property.

A contract for the sale of real property located in the **ANNAPOLIS** Historic District as defined by Section 21.56.030 shall include a highlighted statement that the ~~subject~~ property is in the **HISTORIC** District and that the buyer should visit ~~the website of~~ the Historic Preservation Commission **PAGE OF THE CITY OF ANNAPOLIS WEBSITE** to learn about the various requirements that apply to properties located in the District. The buyer shall be ~~request~~ **REQUIRED** to initial this statement indicating that the buyer is aware that the property is in the District. If this highlighted statement is not included in the sales contract, then the contract is voidable up until the execution of the deed.

21.56.040 - Certificate of approval.

A. When Required. Before a person may undertake the construction, alteration, reconstruction, rehabilitation, restoration, moving, or demolition of a designated landmark, site, **OBJECT** or structure, or a site or structure within a designated Historic district, if any exterior change is made ~~which~~ **THAT** would affect the Historic, archaeological, architectural, or cultural significance of a **THE** site, **OBJECT** or structure ~~within a designated district~~ or a designated landmark, site, **OBJECT** or structure any portion of which is visible or intended to be visible from a public way, the person, individual, firm, or corporation proposing to make the construction or change shall file an application for a certificate of approval with the Commission for permission to construct, alter, rehabilitate, restore, reconstruct, move, or demolish the landmark, site, **OBJECT** or structure.

B. Application. An application for a certificate of approval shall be filed with the clerk to the Historic Preservation Commission. Each application shall include maps, plans and other necessary data and documents required by the rules of the Commission and shall be advertised in the manner provided in the rules. Additionally, the property shall be posted in accordance with the rules and regulations adopted by the Commission. Application fees shall be determined by the Department of Planning and Zoning.

C. Referral to and Consideration by the Commission. Every application shall be referred to and considered by the Commission and accepted, accepted with modifications, or ~~rejected~~ **DENIED** by the Commission. An application which is identical to a ~~N rejected~~ application **THAT HAS BEEN DENIED** may not be resubmitted within a period of one year after the ~~rejection~~ **DENIAL**. No certificate of approval shall be granted until the Commission has acted thereon as hereinafter provided.

21.56.045 - ADMINISTRATIVE PROCEDURES FOR REVIEW OF APPLICATIONS.

A. APPLICATIONS DECIDED BY THE CHIEF OF HISTORIC PRESERVATION. ANY APPLICATION SUBMITTED TO THE HISTORIC PRESERVATION COMMISSION REGARDING WHICH A DECISION MAY BE MADE BY THE CHIEF OF HISTORIC PRESERVATION SHALL BE ON FORMS SPECIFIED BY THE CHIEF OF HISTORIC PRESERVATION. ALL APPLICATIONS MUST BE ACCOMPANIED BY THE INFORMATION SPECIFIED ON THE APPLICATION FORM AND IN THE ZONING CODE AND THE REQUIRED FILING FEE SET FORTH IN THE FEE SCHEDULE ADOPTED BY RESOLUTION OF THE CITY COUNCIL. THE CHIEF OF HISTORIC PRESERVATION SHALL PROCESS APPLICATIONS IN ACCORDANCE WITH THE COMMON PROCEDURES SET FORTH IN SECTION 21.56.060, UNLESS OTHERWISE SPECIFICALLY PROVIDED IN ANOTHER CHAPTER OF ZONING CODE OR CHAPTER 21.56. THE CHIEF MAY REQUEST ADDITIONAL STUDIES, ACQUIRE ADDITIONAL DATA, OR PROVIDE THE APPLICANT AN OPPORTUNITY TO SUBMIT PLAN REVISIONS.

B. REVIEW PROCEDURES. IN THE REVIEW AND DECISION OF APPLICATIONS HEREUNDER, THE FOLLOWING PROCEDURES SHALL APPLY:

- 1. STAFF REVIEW. THE CHIEF OF HISTORIC PRESERVATION, AFTER HAVING DETERMINED THAT THE SUBMISSION IS COMPLETE, SHALL DISTRIBUTE COPIES OF THE APPLICATION TO APPROPRIATE CITY DEPARTMENTS FOR REVIEW.**
- 2. STAFF REPORT. ANY CITY DEPARTMENT REVIEWING THE APPLICATION SHALL SUBMIT COMMENTS ON THE APPLICATION TO THE CHIEF OF HISTORIC PRESERVATION THROUGH THE CITY'S TRACK-IT SYSTEM.**
- 3. PUBLIC HEARING. THE CHIEF OF HISTORIC PRESERVATION MAY REFER AN APPLICATION FOR A PUBLIC HEARING BEFORE THE COMMISSION. NOTICE OF ANY PUBLIC HEARING SHALL BE GIVEN BY THE APPLICANT IN ACCORDANCE WITH THE NOTICE REQUIREMENTS SET FORTH IN SECTION 21.10.020(B) AND 21.10.020(C).**

C. **DECISION BY CHIEF OF HISTORIC PRESERVATION.** UNLESS OTHERWISE PROVIDED IN CHAPTER 21.56, THE CHIEF OF HISTORIC PRESERVATION SHALL RENDER A DECISION TO APPROVE, CONDITIONALLY APPROVE, OR DENY AN APPLICATION NO LATER THAN FORTY FIVE (45) DAYS AFTER A DETERMINATION OF COMPLETENESS OF THE APPLICATION, UNLESS THE APPLICANT CONSENTS IN WRITING TO ADDITIONAL TIME OR THE CHIEF DETERMINES THAT IN ORDER TO FAIRLY AND FULLY CONSIDER THE APPLICATION, THE CHIEF REQUIRES ADDITIONAL TIME. IN THAT EVENT, THE ADDITIONAL TIME SHALL NOT EXCEED FIFTEEN (15) DAYS. THE CHIEF SHALL GIVE NOTICE OF THE DECISION IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION 21.10.020(E).

D. **REVIEW CRITERIA.** THE REVIEW CRITERIA SHALL BE THE SAME AS REQUIRED OF THE COMMISSION IN CONNECTION WITH THE TYPE OF APPLICATION UNDER CONSIDERATION.

E. **EXPIRATION.** THE CHIEF OF HISTORIC PRESERVATION'S APPROVAL SHALL EXPIRE IN THE SAME MANNER AS PROVIDED FOR DECISIONS OF THE COMMISSION ON THE TYPE OF APPLICATION UNDER CONSIDERATION.

F. **APPEALS.** AN APPEAL FROM A DECISION OF THE CHIEF OF HISTORIC PRESERVATION MAY BE MADE BY AN AGGRIEVED PERSON TO THE HISTORIC PRESERVATION COMMISSION WITHIN FIFTEEN (15) DAYS OF THE DATE OF THE WRITTEN DECISION.

21.56.050 - Certificate of approval—Demolition.

An application for demolition of a structure shall include plans for a replacement structure **AND A TIMETABLE FOR THE CONSTRUCTION THEREOF**. Approval for the demolition of a structure ~~may~~**SHALL** be conditioned upon the construction of an acceptable replacement structure, or landscape or park plan **AND A TIMETABLE FOR SUCH CONSTRUCTION, LANDSCAPING OR PARK PLAN. FAILURE TO COMPLY WITH THE TIMETABLE ESTABLISHED BY THE COMMISSION SHALL RESULT IN THE AUTOMATIC REVOCATION OF ANY AND ALL APPROVALS RELATING TO THE TIMETABLE THAT HAVE NOT BEEN COMPLETED.** A bond or other financial guaranty in the amount of the cost of the replacement structure may be required in order to assure the construction of the replacement structure, or park, or landscape plan. **IN THE EVENT THAT AN APPLICANT FAILS TO MEET THE TIMETABLE APPROVED BY THE COMMISSION, AND THE APPROVALS ARE AUTOMATICALLY REVOKED, THE APPLICANT SHALL BE REQUIRED TO RE-APPLY TO THE COMMISSION FOR APPROVAL OF A REPLACEMENT STRUCTURE, LANDSCAPING OR PARK PLAN.**

21.56.060 - Application review.

A. In reviewing applications, the Commission shall give consideration to the Historic, cultural, archaeological, or architectural significance of the landmark, site, **OBJECT** or structure and its relationship to the Historic, cultural, archaeological, or architectural significance of the surrounding area; the relationship of the exterior architectural features of a landmark, site, **OBJECT** or structure to the remainder of the landmark, site, **OBJECT** or structure and to the surrounding area; the general compatibility of proposed exterior design, scale,

proportion, arrangement, texture, and materials to the landmark, site, **OBJECT** or structure and to the surrounding area; and any other factors including aesthetic factors which the Commission deems to be pertinent.

- B. The Commission shall consider only exterior features of a landmark, site, or structure and shall not consider any interior arrangements.
- C. The Commission shall not disapprove an application except with respect to the several factors specified in Subsection A of this section.
- D. The Commission shall be strict in its judgment of plans for landmarks, sites, **OBJECTS** or structures determined by research to be of Historic, cultural, archaeological, or architectural significance. The Commission shall ~~be lenient in its judgment of plans for landmarks;~~ **NOT STRICTLY JUDGE PLANS FOR** sites, **OBJECTS** or structures of little Historic, cultural, archaeological, or architectural significance, or of plans involving new construction, unless in the Commission's judgment such plans would seriously impair the Historic, cultural, archaeological, or architectural significance of surrounding landmarks, sites, **OBJECTS** or structures. The Commission is not required to limit construction, reconstruction, or alteration to any one period of architectural style.
- E. Special Considerations.
 - 1. If an application is submitted for construction, reconstruction, or alteration affecting a landmark, site, **OBJECT** or ~~the exterior of a~~ structure or for the moving or demolition of a, **LANDMARK, SITE, OBJECT OR** structure, the preservation of which the Commission considers to be of unusual importance to the City, State, or Nation, the ~~Commission~~ **CHIEF OF HISTORIC PRESERVATION** shall attempt to formulate an economically feasible plan with the owner(s) of the **LANDMARK**, site, **OBJECT** or structure for the preservation of the landmark, site, **OBJECT** or structure **WHICH THE CHIEF SHALL PRESENT TO THE COMMISSION FOR ITS REVIEW AND APPROVAL.**
 - 2. In the circumstances described above in Subsection (E)(1) of this section, unless the Commission is satisfied that the proposed construction, alteration, or reconstruction will not materially impair the Historic, cultural, archaeological, or architectural significance of the landmark, site, **OBJECT** or structure, the Commission shall ~~reject~~ **DENY** the application, ~~filing a copy of its rejection with the Department of Public Works.~~
 - 3. If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a landmark, site, **OBJECT** or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Commission shall have ninety days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner(s) and other parties in an effort to find a means of preserving the landmark, site, **OBJECT** or structure. At the end of such ninety day period, if no means of preserving the landmark, **OBJECT**, site or structure has been found, the Commission shall either approve, approve with modifications, or ~~reject~~ **DENY** the application.
 - 4. In the case of a landmark, site, **OBJECT** or structure considered to be valuable for its Historic, cultural, archaeological, or architectural significance, the Commission may

approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of Subsection (E)(2) of this section, if the Commission finds that:

- a. The landmark, site, **OBJECT** or structure is a deterrent to a major improvement program ~~which~~ **THAT** will be of substantial benefit to the City;
- b. Retention of the landmark, site, **OBJECT** or structure would cause undue financial hardship to the owner; or
- c. Retention of the landmark, site, **OBJECT** or structure would not be in the interests of a majority of persons in the City.

21.56.070 - Certificate of approval—Commission decision.

- A. The Commission shall file with the Department of ~~Public Works~~ **NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS ("DNEP")** a certificate of approval certifying its approval or modification of each application and plans submitted to it for review. If an application is ~~rejected~~ **DENIED**, the Commission shall notify the ~~Department of Public Works~~ **DNEP**.
- B. Work shall not be commenced on any project until such a certificate of approval has been filed, and the Department of Public Works shall not issue a building permit for such change or construction unless it has received such a certificate of approval.
- C. Failure of the Commission to act upon a completed application within forty-five days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of the forty-five day period is mutually agreed upon by the applicant and the Commission or the application has been withdrawn and except as provided by Section 21.56.060(E)(3) of this section.

21.56.080 - Certificate of approval—Expiration.

- A. A certificate of approval of the Commission shall expire automatically, unless extended by the Commission, if:
 1. In the case of an application for the demolition, moving or alteration of a structure, the work has not commenced within six months and been completed within one year from the date of issuance of the certificate of approval;
 2. In the case of an application for the construction of a new structure, the work has not commenced within one year from the date of issuance of the certificate of approval and been completed within three years; or
 3. For the purposes of this section, application for extension of approval shall be ~~treated and considered as a new application~~ before the Commission, **UNLESS OTHERWISE DELEGATED TO STAFF FOR ADMINISTRATIVE REVIEW**.
- B. ~~Tolling of certificates of approval. Notwithstanding the provisions of Section 21.56.080A of this Code, certificates of approval granted by the Historic Preservation Commission pursuant to Sections 21.56.040 through 21.56.070 of this Code and extensions thereof which are active and valid as of June 30, 2012, shall be tolled until June 30, 2014, so that all such certificates of approval and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2014, provided that this shall not apply to a Historic~~

~~property that has been a subject of a final determination of demolition by neglect as defined under Section 21.56.020.~~

- C. Any changes to plans previously approved under an issued certificate of approval that are required in response to Section 17.04.630(B)1 referencing the City of Annapolis Code in force at the time construction commences, must be referred to the Historic Preservation Commission for re-evaluation if there is a necessary change to the exterior as approved **UNLESS OTHERWISE DELEGATED TO STAFF FOR ADMINISTRATIVE REVIEW.**

21.56.090 – ROUTINE Maintenance, AND repair, and demolition by neglect.

- A. **ROUTINE MAINTENANCE AND REPAIR OF LANDMARKS, SITES, STRUCTURES, OBJECTS AND LANDSCAPE ELEMENTS, WHEHTER INDIVIDUALLY DESIGNATED OR LOCATED WITHIN AN HISTORIC DISTRICT, ARE ESSENTIAL TO THE PRESERVATION OF SUCH LANDMARKS, SITES, STRUCTURES, OBJECTS AND LANDSCAPE ELEMENTS. Nothing in this article shall be taken or construed to prevent ACCORDINGLY, ROUTINE maintenance **AND REPAIR** that does not alter the exterior fabric or features of a designated landmark, site,—or structure, **OBJECT**, or landscape elements, **WHETHER INDIVIDUALLY DESIGNATED OR WITHIN AN HISTORIC DISTRICT**, and which will have no material effect on the Historic, cultural, archaeological, or architectural significance of a designated landmark, site, structure, **OBJECT**, **LANDSCAPE ELEMENT** or district **IS REQUIRED OF ALL LANDMARKS, SITES, STRUCTURES, OBJECTS, AND LANDSCAPE ELEMENTS, WHETHER INDIVIDUALLY DESIGNATED OR LOCATED WITHIN AN HISTORIC DISTRICT.****
- B. **IF THE CHIEF OF HISTORIC PRESERVATION HAS REASON TO BELIEVE, THROUGH VISUAL INSPECTION OR OTHER MEANS, THAT A DESIGNATED LANDMARK, SITE, STRUCTURE, OBJECT, OR LANDSCAPE ELEMENT, OR A LANDMARK, SITE, STRUCTURE, OBJECT OR LANDSCAPE ELEMENT IN THE HISTORIC DISTRICT IS NOT BEING MAINTAINED OR REPAIRED IN ACCORDANCE WITH THE PROVISIONS OF CITY CODE, CHAPTER 21.56 OR THE PROVISIONS OF CITY CODE, CHAPTER 17.40 “RESIDENTIAL PROPERTY MAINTENANCE CODE,” ARTICLE V “MAINTENANCE” AND CHAPTER 17.4 “NONRESIDENTIAL PROPERTY MAINTENANCE”, ARTICLE II “RESPONSIBILITIES OF OWNER” PERTAINING TO THE MAINTENANCE OF THE EXTERIOR OF PROPERTIES, THEN THE CHIEF OF HISTORIC PRESERVATION SHALL NOTIFY THE OWNER OF THE REQUIRED ACTION TO BRING THE LANDMARK, SITE, OBJECT, STRUCTURE OR LANDSCAPE ELEMENT INTO COMPLIANCE WITH THE CITY CODE. A COPY OF SUCH NOTICE SHALL BE PROVIDED TO THE BUILDING OFFICIAL. THE NOTIFICATION REQUIRED HEREUNDER SHALL PROVIDE THE OWNER AN OPPORTUNITY TO COMPLY WITH THE CODE AND STATE THE TIME BY WHICH SUCH COMPLIANCE SHALL BE ACHIEVED, AND FURTHER STATE IF THE OWNER FAILS TO COMPLY WITH THE NOTICE A MUNICIPAL INFRACTION CITATION WILL BE ISSUED AND A FINE ASSESSED.**

C. IN THE EVENT THAT THE OWNER FAILS TO COMPLY WITH THE NOTICE PROVIDED IN ACCORDANCE WITH PARAGRAPH B ABOVE, THE CHIEF OF HISTORIC PRESERVATION SHALL HAVE THE AUTHORITY TO ISSUE A MUNICIPAL INFRACTION CITATION THEREFOR IN ACCORDANCE WITH CITY CODE, CHAPTER 1.20.

- ~~B. In the event of demolition by neglect, the Commission may request that the Mayor's office notify, in writing, the property owner(s) of record, any person(s) having a right, title, or interest therein, and the occupant(s) or other person(s) responsible for the maintenance of the property, of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct the deterioration or prevent further deterioration.~~
- ~~C. Prior to the issuance of a written notice, the Commission may request that the City establish a record of demolition by neglect. Such record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.~~
- ~~D. The notice shall provide that corrective action shall commence within thirty days of the receipt of said notice and be completed within a reasonable time thereafter. The notice shall state that the owner(s) of record of the property, or any person(s) of record with any right, title, or interest therein, may, within ten days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event a public hearing is requested, it shall be held by the Commission upon thirty days' written notice being mailed to all persons of record with any right, title, or interest in the property and to all citizens and organizations which the Commission determines may have an interest in the proceedings.~~
- ~~E. If, after the public hearing, the Commission determines that the corrective actions remain necessary, the Commission may request that the Mayor issue final notice to be mailed to the owner(s) of record and all parties of record with any right, title, or interest in the property, advising them of the items of repair and maintenance necessary to correct the deterioration or prevent further deterioration. The owner shall institute corrective action to comply with the final notice within thirty days of receipt of the final notice.~~
- ~~F. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action specified in the final notice within the time required, the Commission may request that the Mayor's office institute any of the remedies and penalties provided by law for such violations.~~

21.56.095 – DEMOLITION BY NEGLECT

- A. IF THE CHIEF OF HISTORIC PRESERVATION BECOMES AWARE THROUGH ANY SOURCE THAT A DESIGNATED LANDMARK, SITE, OBJECT OR STRUCTURE, OR ANY PROPERTY WITHIN A DESIGNATED HISTORIC DISTRICT, MAY MEET THE DEFINITION OF DEMOLITION BY NEGLECT, THE CHIEF OF HISTORIC PRESERVATION SHALL INVESTIGATE THE HISTORY OF THE SITE OR STRUCTURE AND DEVELOP A RECORD. THE RECORD SHALL INCLUDE BUT NOT BE LIMITED TO HISTORICAL DOCUMENTATION OF THE BUILDING, SITE, OBJECT OR STRUCTURE AND CURRENT PHOTOGRAPHS OF THE SITE**

AND THE INTERIOR AND EXTERIOR OF THE STRUCTURE. THE CHIEF OF HISTORIC PRESERVATION MAY CONSULT WITH AND RETAIN CONSULTANTS AND EXPERTS IN THE FIELD OF HISTORIC PRESERVATION TO CONSTRUCT THE RECORD AND FOR OTHER PURPOSES RELATED TO THE INVESTIGATION.

B. IN CONNECTION WITH THE COMMENCEMENT OF THE INVESTIGATION, THE CHIEF OF HISTORIC PRESERVATION SHALL GIVE WRITTEN NOTICE TO THE OWNER OR THE OWNER'S AUTHORIZED AGENT THAT:

- 1. THE SITE OR STRUCTURE IS UNDER INVESTIGATION FOR POSSIBLE DEMOLITION BY NEGLIGENCE; AND**
- 2. THE LEGAL AUTHORITY FOR THE INVESTIGATION; AND**
- 3. ENTRY ONTO THE PROPERTY AND INTO THE STRUCTURE SHALL BE REQUIRED; AND**
- 4. THE DATE OR DATES OF ENTRY; AND**
- 5. THE IDENTITY OF THE PERSONS WHO WILL ENTER.**

IF SUCH DATES ARE NOT KNOWN AT THE TIME OF THE NOTICE, THE CHIEF OF HISTORIC PRESERVATION SHALL SEND A SEPARATE WRITTEN NOTICE INDICATING SUCH DATES. PURSUANT TO SUCH NOTICES, THE CHIEF OF HISTORIC PRESERVATION AND RETAINED CONSULTANTS AND EXPERTS, AND ANY OTHER PERSON WHO THE CHIEF OF HISTORIC PRESERVATION DEEMS NECESSARY FOR INVESTIGATORY PURPOSES, SHALL BE PERMITTED ONTO THE SITE AND INTO THE STRUCTURE FOR SUCH PURPOSES FROM TIME TO TIME AS IS NECESSARY TO COMPLETE THE INVESTIGATION. NEITHER OWNER NOR THE OWNER'S AUTHORIZED AGENT NOR ANY OTHER PERSON SHALL REQUIRE A WAIVER OF LIABILITY OR IMPOSE ANY OTHER CONDITION UPON THOSE PERSONS WHO REQUIRE ACCESS ONTO SITE AND INTO THE STRUCTURE TO PERFORM AND COMPLETE THE INVESTIGATION.

C. AFTER COMPLETION OF THE INVESTIGATION, THE CHIEF OF HISTORIC PRESERVATION SHALL PREPARE A WRITTEN REPORT OF THE RESULTS OF THE INVESTIGATION. THE REPORT SHALL, AT A MINIMUM, IDENTIFY ALL MATERIALS USED IN THE INVESTIGATION, ALL CONSULTANTS AND EXPERTS WHO PARTICIPATED IN THE INVESTIGATION, AND CONTAIN THE FOLLOWING:

- 1. A DESCRIPTION OF THE EXISTING CONDITION OF THE INTERIOR AND EXTERIOR OF THE SITE OR STRUCTURE;**
- 2. A DESCRIPTION OF THE LEVEL OF DETERIORATION OF THE INTERIOR AND EXTERIOR OF THE SITE OR STRUCTURE EXHIBITED BY THE EXISTING CONDITION;**
- 3. WHETHER THE LEVEL OF DETERIORATION MEETS THE DEFINITION OF DEMOLITION BY NEGLIGENCE AND, IF SO, HOW; AND**
- 4. A LIST OF ALL MAINTENANCE, REPAIRS OR REPLACEMENTS REQUIRED TO ABATE THE DEMOLITION BY NEGLIGENCE.**

- D. THE CHIEF OF HISTORIC PRESERVATION SHALL PROVIDE A COPY OF THE REPORT TO THE OWNER OR THE OWNER'S AUTHORIZED AGENT. WHETHER OR NOT THE CHIEF OF HISTORIC PRESERVATION MAKES FINDINGS THAT THERE IS DEMOLITION BY NEGLECT, THE CHIEF OF HISTORIC PRESERVATION SHALL SCHEDULE A PUBLIC HEARING BEFORE THE HISTORIC PRESERVATION COMMISSION NOT EARLIER THAN 45 DAYS AFTER THE SUBMISSION OF THE REPORT TO THE OWNER OR THE OWNER'S AUTHORIZED AGENT. THE CHIEF OF HISTORIC PRESERVATION SHALL GIVE NOTICE OF THE HEARING IN ACCORDANCE WITH SECTION 21.10.020 OF THIS TITLE. SUCH NOTICE SHALL BE MADE AT LEAST 15 DAYS BEFORE THE DATE OF THE PUBLIC HEARING.
- E. THE COMMISSION SHALL CONDUCT A PUBLIC HEARING IN ACCORDANCE WITH ITS NORMAL PROCEDURES TO MAKE A DETERMINATION ON DEMOLITION BY NEGLECT.
- F. AN APPEAL OF THE DECISION OF THE HISTORIC PRESERVATION COMMISSION SHALL BE NOTED TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY WITHIN 30 DAYS OF THE DECISION AND IN ACCORDANCE WITH THE MARYLAND RULES OF PROCEDURE.

21.56.100 - Undergrounding of utilities.

- A. The City may require that utility companies relocate underground existing overhead lines and facilities underground within a defined part of the district or the entire district, and require that the connection thereto be placed underground, if necessary by private owners then receiving service from the overhead lines and facilities. The City shall provide:
 - 1. That the estimated cost to property owners, for work to be performed on private property, be determined and made available to affected property owners;
 - 2. That financing of these costs to private owners be provided including any charges for the amortization of the bonds issued to initially cover such private costs. The City may enter into agreement with individual property owners whereupon it will advance funds to cover the property owner's costs involved in the conversion of the overhead lines and facilities and may appropriate funds, levy taxes or borrow funds to pay and advance the costs of such conversion. The City may also impose a benefit assessment against the property in the district for which the conversion is made in order to recapture such expended costs and make appropriate provisions for the collection thereof; and
 - 3. For any other provisions reasonably related to the objectives of placing underground overhead lines and facilities, and the administration of such projects.
- B. Notwithstanding any other provision in this section, the Public Service Commission shall prescribe the amount of the monthly surcharge required to support the net capital costs and determine which customers of the applicable utility are subject to the surcharge, or the Commission shall include the related net capital costs in the rate base, or shall adopt any other method to appropriately apportion the said costs. However, in no event shall the utility

be required to pay more than fifty percent of the net capital costs. The City is authorized to make appropriations for such relocation projects from any appropriate Federal, State and local funds it receives for this purpose.

21.56.110 - Appeals.

Any person or persons, firm or corporation aggrieved by a decision of the Commission has a right of appeal to the Anne Arundel County Circuit Court and a further appeal to the Court of Special Appeals of Maryland. Appeal requests must be filed within thirty days from the date of the Commission decision.

21.56.115 - ENFORCEMENT.

THE ENFORCEMENT OF THE BUILDING CODE AND THE INTERNATIONAL EXISTING BUILDING CODE, AS THESE TERMS ARE DEFINED IN CITY CODE, CHAPTER 17-12 "BUILDING CODE", SOLELY WITH RESPECT TO THE EXTERIOR OF BUILDINGS LOCATED WITHIN THE HISTORIC DISTRICT, IS THE DUTY OF THE CHIEF OF HISTORIC PRESERVATION OR HIS OR HER DESIGNEE.

21.56.120 - Historic preservation violations.

- A. **THE ADMINISTRATION AND ENFORCEMENT OF THIS CHAPTER SHALL BE THE RESPONSIBILITY OF THE CHIEF OF HISTORIC PRESERVATION FOR THE CITY OF ANNAPOLIS, WHICH SHALL INCLUDE ISSUING MUNICIPAL INFRACTION CITATIONS FOR VIOLATIONS OF THIS CHAPTER CAUSED BY THE OWNER OF A PROPERTY OR CAUSED BY A PRIOR OWNER OF A PROPERTY WHO TOOK TITLE TO THE PROPERTY ON OR AFTER JANUARY 1, 1995 THAT THE CURRENT OWNER IS PERPETUATING. IT IS NOT A DEFENSE TO THE CODE VIOLATION THAT THE OWNER DID NOT KNOW OF THE VIOLATION AT THE TIME HE/SHE PURCHASED THE PROPERTY THAT IS THE SUBJECT OF THE CITATION. IN THE CASE OF A VIOLATION OF THIS CHAPTER, THE CHIEF OF HISTORIC PRESERVATION OR HIS/HER DESIGNEE MAY ISSUE AN ORDER REQUIRING THE PROPERTY OWNER TO STOP WORK OR TO TAKE SPECIFIED CORRECTIVE MEASURES TO COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER. IF AN OWNER VIOLATES A STOP WORK OR CORRECTIVE MEASURES ORDER ISSUED PURSUANT TO THIS SECTION, THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS MAY REVOKE ANY PERMIT ISSUED BY THE CITY RELATING TO THE WORK. THE FAILURE OF AN OWNER TO COMPLY WITH A CORRECTIVE MEASURES ORDER OR A STOP WORK ORDER ISSUED BY THE CHIEF OF HISTORIC PRESERVATION CONSTITUTES A SINGLE VIOLATION FOR EACH DAY THAT NONCOMPLIANCE CONTINUES.**
- B. Any person(s) who ~~willfully~~ performs or allows to be performed any work without first obtaining a certificate of approval, fails to comply with any final notice issued pursuant to this article, or disregards a decision of the Commission will be in violation of the provisions of this article. **ANY** violation of the article shall be deemed a municipal infraction ~~as stated in the City Code~~. Each and every day that the violation continues shall be deemed a separate

offense. Violators may be assessed a fine as established by the City Council for each day that the violation continues.

BC. In addition to other remedies and penalties, where there is a violation of this article, the ~~Planning and Zoning Director~~ **CHIEF OF HISTORIC PRESERVATION**, through the City Attorney, shall institute appropriate action to prevent, enjoin, abate or remove the violation.

D. IN THE EVENT THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS OR ITS DESIGNEE ISSUES A NOTICE OF CORRECTION OR ANY CITATION FOR A VIOLATION OF CITY CODE, TITLE 17 REGARDING ANY PROPERTY THAT IS EITHER WITHIN THE HISTORIC DISTRICT OR IS DESIGNATED AS AN HISTORIC LANDMARK, STRUCTURE, OBJECT OR SITE, IT SHALL SO NOTIFY THE CHIEF OF HISTORIC PRESERVATION.

21.56.130 - Severability.

If any provisions of this article or the application thereof to any person(s) or circumstances are held invalid for any reason, such invalidity shall not affect the other provisions of any other application of this article which can be given effect without the invalid provisions or application, and to this end, all the provisions of this article are declared to be severable.

21.56.140 - Statutory authority.

The ~~authorities~~**AUTHORITY** for this law is the Land Use Article of the Annotated Code of Maryland, **DIVISION I. SINGLE-JURISDICTION PLANNING AND ZONING, TITLE 8. HISTORIC PRESERVATION**, as may be amended from time to time. Nothing in this law shall be construed to limit the authority of the Historic Preservation Commission of the City to review proposals with respect to height and bulk.

Article II - Height and Bulk Limits - **NO CHANGES PROPOSED.**

Article III - Newsracks on Public Rights-of-Way

21.56.260 - Application and issuance of certificate of approval.

- A. Issuing authority. The issuing authority and coordinator shall be the Chief of Historic Preservation. The Chief is responsible for fairly coordinating and administering the physical placement of newsracks of the type and location herein specified, and upon compliance with provisions of this article, is responsible for issuing the certificates of approval.
- B. Approving authority. The approving authority shall be the Chief of Historic Preservation. The Chief shall provide review and administrative approval; the Chief shall circulate the application for consideration and comment by the Public Works Administration, the Police Department, and the Planning and Zoning Department.

- C. Enforcing authority. The enforcing authority shall be the ~~director of the Department of Neighborhood and Environmental Programs~~ **THE CHIEF OF HISTORIC PRESERVATION.**
- D. Applications. The applicant shall file with the Chief of Historic Preservation a Historic Preservation Commission Administrative Approval Application for an installation Certificate of Approval that shall contain the following information:
1. The name, address and telephone number of the applicant who is the owner and/or principal in responsible charge of the newsrack.
 2. The name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's newsracks.
 3. The number of newsracks and the proposed location of each shown on a drawing provided by the Public Works Administration as in Subsection D. of this section.
 4. Names of newspapers or periodicals to be contained in each newsrack.
 5. Type or brand of newsracks, including an illustration and description of the newsrack and mount if other than a single pedestal, TK-80PM, or K-80PM SHORACK, or TK-80 or K-80 SHORACK with special pedestal and 14-inch square base plate (allowed only if demand warrants at the installation location) or equivalent, as per Section 21.56.310 of this Code.
- E. Procedure. In consultation with the Public Works Department and the Department of Neighborhood and Environmental Programs, and with the approval of the Historic Preservation Commission, the Chief shall:
1. Develop a map of a large enough scale to show permitted locations of newsracks in the Historic District.
 2. Request a list of proposed newsrack locations, marked on the above map, from each distributor.
 3. Prepare a scale drawing or aerial photograph of each newsrack location showing the position and name of each newsrack at that location.
 4. Review for approval newsrack drawings.
 5. Obtain confirmation approvals of the above approved newsrack drawings from each distributor.
 6. Have the public works survey crew, following Certificate of Approval issuance, then mark placement locations with a template so that installation crews will have no problem.
- F. Issuance of certificate of approval. Upon a finding by the Chief that the applicant is in compliance with the provisions of this article, the Chief shall cause to be issued a certificate of approval for installation by the newspaper publishing and or distribution company. Such issuance shall be made within ten working days of the City's receipt of the completed application.
- G. Denial of certificate of approval. If a Certificate of Approval for some newsrack location applied for shall be denied, the applicant shall be notified within ten working days of the

City's receipt of the completed application. The applicant shall be advised of the specific cause of such denial by the Chief, who may suggest alternative locations. The applicant may reapply for substitute alternative location at no additional certificate of approval fee.

- H. Additional certificate of approval. If at any time initial application for an installation certificate of approval a publisher wishes to install additional newsracks, then Subsections D and E of this section are to be repeated in accordance with the provisions of this article. Additional certificate of approval fees shall be in accordance with Section 21.56.270 of this Code.

Chapter 21.62 Site Design Standards

21.62.020 - General design standards.

A. Relation of Buildings and Structures to the Surrounding Environment.

1. Proposed **BUILDINGS AND** structures shall be related harmoniously to themselves, to the terrain, to existing buildings, **STRUCTURES** and roads in the vicinity that have a visual relationship to the proposed **BUILDINGS AND** structures, and to the Historic character of the City of Annapolis. The achievement of a harmonious relationship may include the enclosure of space in conjunction with other existing buildings **OR STRUCTURES** or other proposed buildings **OR STRUCTURES** and the creation of focal points with respect to avenues of approach, terrain features or other buildings.
2. Building bulk and scale shall relate to adjacent and surrounding buildings **AND STRUCTURES**. Appropriate natural or artificial screening may be required to minimize any adverse impacts.
3. Special consideration shall be given to the siting and design of those **BUILDINGS AND** structures or portions thereof that may be viewed from any public street or adjacent properties.

B. Relation of **BUILDINGS AND** Structures to Adjacent Development. The construction of new buildings **AND STRUCTURES** shall look appropriate and compatible as part of their surroundings. In general, new development shall be human in scale, with building façade articulation (doors, windows and surface treatment and detailing) open spaces, and access systems designed to relate to and to welcome people on foot. Buildings **AND STRUCTURES** also must be sensitive to the character of the neighborhood in which they are located. The following standards shall apply to any development or redevelopment for a particular area:

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8. Rhythm. Rhythms which carry throughout a block shall be incorporated into a new façade.
9. Proportion of Openings. The size and proportions of window and door openings, as well as the ratio of window area to solid wall area for the façade as a whole, shall be similar to adjoining ~~and-nearby~~ façades **AND, IN HISTORIC OR PRESERVATION AREAS, THOSE FACADES WITHIN THE IMMEDIATE NEIGHBORHOOD**

OF THE BUILDING OR STRUCTURE AS DEFINED IN THE COMMISSION'S GUIDELINES ~~in Historic or preservation areas.~~

10. Façade Materials. A new or altered façade shall be composed of materials that complement adjacent and nearby façades.
11. Color. Color treatment for new or altered buildings shall complement color treatments of adjoining and nearby buildings.
12. Corner and Through Lots. The two façades of a building **OR STRUCTURE** situated on a corner lot or through lot shall relate to the scale of the buildings **AND STRUCTURES** on their respective streets. Corner buildings **AND STRUCTURES** shall complete the street form.
13. Site Signage. Site signage shall meet the requirements and design guidelines set forth in Chapter 21.70

21.62.060 - Scenic, Historic, archaeological and landmark sites and views.

Scenic, Historical, archaeological and landmark sites and features that are located on or adjacent to the proposed development shall be preserved and protected to the maximum extent ~~as~~ practicable **AND IN ACCORDANCE WITH CITY CODE, CHAPTER 21.56** through site design, building location, and parking layout. Special consideration shall be given to the impact of projects on views of the Annapolis Historic district **TO AND** from the following points:

1. ~~From~~ Eastport¹ and the City dock; and
2. ~~From~~ Truxtun Park; and
3. ~~From~~ the Severn River Scenic Overlook; and
4. ~~From~~ Rowe Boulevard.
5. **CITY WATERS, AS THAT TERM IS DEFINED IN CITY CODE, SECTION 15.02.030.**

Chapter 21.70 Sign Regulations

21.70.090 - Signs in the Historic district.

In addition to the requirements of the underlying zoning district, signs in the Historic district are subject to the following:

- A. A certificate of approval from the Historic Preservation Commission is required for all new signs and existing signs that are to be altered in size, shape, content or location, see Chapter 21.56
- B. Applicants for sign permits in the Historic district should refer to the Historic Preservation Commission's design guidelines for signs.
- C. No commercial sign, billboard or other advertising structure or device shall be painted on any exterior wall of a building within the Historic district.

¹ Eastport is a historic community on the Horn Point peninsula bounded by Spa and Back Creeks, as well as the Severn River.

- D. Upon the inclusion of additional areas within the Historic district of the City, all signs shall comply with this section within two years from the date the area is included within the Historic district.

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